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Fifty-fifth session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 24 June 1998 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights

On Sunday 21 June 1998, the Israeli Government decided to adopt the plan proposed by its Prime Minister, Mr. Netanyahu, to expand the municipal boundaries of Jerusalem to the occupied West Bank. By expanding the area of the city, the Israeli Government would be able to increase the number of its Jewish population there by 30,000 new settlers.

This Israeli decision has drawn heightened international criticism and condemnation since it infringes heavily upon numerous General Assembly and Security Council resolutions, and flagrantly violates article 49 of the Fourth Geneva Convention, the principles of international law and the accords signed between the Palestine Liberation Organization and the Israeli Government in the framework of the peace process, to which neither Mr. Netanyahu nor his Government grant any respect; on the contrary, he is doing his best to demolish it by his daily practices on the ground.

The international condemnation of this plan has been illustrated by the various positions expressed by numerous States, and also by the attitude of the United Nations Secretary-General, Mr. Kofi Annan, who, in his statement issued on 22 June 1998, deplored the Israeli practices aimed at strengthening the Israeli hold on occupied East Jerusalem, and their going ahead with their programme of Judaizing Jerusalem, after they had annexed it to Israel in a prior flagrant violation of international humanitarian law and international public law.

It is clear that the policy of the Israeli Government in this field is based, in addition to the establishment and expansion of settlements in the occupied territories, on the systematic demolishing of Palestinian homes in the city of Jerusalem, Hebron, and in all the suburbs of the West Bank. For example, the Israeli occupation authorities demolished yesterday five Palestinian homes in the region of Hebron. They had demolished a week before a home in the village of Alwalja near Jerusalem, and eight other homes and five other structures in the villages of Takkua, Oum Soufa and Arab Alrachidia in the municipality of Bethlehem, bringing the number of homes demolished by the Israeli occupation authorities in the municipality of Bethlehem alone during the past three years to 100.

Mr. Ezer Weisman, President of the State of Israel, also expressed his attitude towards his Government's decision in this respect saying that Mr. Netanyahu has switched off the light of peace in the region.

The Israeli Government persists in its grave violations of the provisions of the Fourth Geneva Convention of 1949. It still refuses to accept the de jure applicability and even the application of the Convention to the occupied Palestinian territory, including Jerusalem, thus rejecting the will of the international community represented by the United Nations Security Council, the General Assembly and the Commission on Human Rights whose reiterated resolutions have affirmed continuously for 30 years, and at each of their sessions, the applicability of the Fourth Geneva Convention to the occupied Palestinian territories, including Jerusalem, and which have called on the Government of Israel to abide by its international commitments and to apply the Convention in the occupied Palestinian territories. Despite all this, the Israeli Government persists in flagrantly violating the principles of international humanitarian law and international public law, particularly articles 49 and 53 of the Fourth Geneva Convention of 1949.

I would be grateful to you if you could have this letter distributed as an official document of the fifty-fifth session of the Commission on Human Rights, under agenda item 8.

(Signed:) Nabil RAMLAWI
Ambassador
Permanent Observer for Palestine

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COMMISSION ON HUMAN RIGHTS
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Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Letter dated 6 October 1998 from the Permanent Representative of Sudan to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

I have the honour to enclose a letter signed by the Minister of Finance and Economy of the Republic of the Sudan dealing with the American attack on a pharmaceutical plant in Khartoum, Sudan, on 20 August 1998. As you can see from the contents, the United States of America has engaged in a series of actions against the Sudan that clearly inhibit its development and the economic well-being of its people. These actions obviously violate many fundamental human rights including the right to development. It is also a clear manifestation of unilateral coercive actions, acts that impede the rights to life, health, work and the fight against poverty.

I kindly request that this letter be circulated as an official document of the fifty-fifth session of the Commission on Human Rights.

(signed): Ibrahim Mirghani IBRAHIM
Ambassador
Permanent Representative

Annex

As you are aware, the United States of America staged a stealthy air attack, on 20 August 1998, against a pharmaceutical plant located in Khartoum. The plant was completely destroyed, while the surrounding area, which is heavily populated, has been seriously affected by the blast.

A preliminary estimate of the value of assets destroyed is US$ 40 million, while 309 employees have lost their jobs and one of them since then having died. In addition, the Sudan has to import about 50 per cent of its requirements for pharmaceutical drugs previously provided by the factory. Besides, the potential drug export proceeds have been lost. The USA attack has also seriously undermined the investment environment which is effectively supported by the Government's ongoing economic policies and programmes.

The American Administration has formally stated its allegations that "this factory is producing chemical weapons and owned by Osama Ben Laden", a former Saudi businessman, living in Afghanistan and accused of terrorist acts against the United States.

The Sudan Government has reaffirmed that this factory is privately owned and registered as a limited liability company under the Sudan 1925 Companies Act, and it was one of the most successful ventures in our industrial sector. It was partially financed by the Preferential Trade Area (PTA) Bank of the Common Market for Eastern and Southern Africa, to the tune of US$ 5.6 million.

The factory was exclusively designed to produce drugs, including the most vitally needed anti-malaria drugs and antibiotics, and to export human and veterinary drugs to neighbouring countries. In this respect, it had recently signed a contract under the United Nations programme for the supply of essential drugs to Iraq.

Several engineers, architects and experts, including a British and an American expert who had contributed to the erection of the plant, have unequivocally stated that the plant was neither equipped nor had the capacity to produce any chemical weapons. Other architects, including three Jordanians who had taken part in the erection of the plant, have refuted the USA's allegations and have reasserted that the plant was not designed to produce chemical weapons. They have also refuted the allegation linking it to Saudi dissident Osama Ben Laden.

At this juncture, I thought I should brief you on the developments of the USA's hostile attitudes towards Sudan that eventually culminated in open military aggression.

In the year 1989, the United States of America began to exert various degrees of pressure against the Sudan through a series of hostile actions and attitudes aimed at isolating it, politically and economically, from the world community.

Such hostile attitudes were initially manifested by suspension of wheat shipments to Sudan, followed by attempts to jeopardize efforts to reaching a peaceful settlement to the conflict in southern Sudan, as demonstrated by the outcome of the Abuja talks and the subsequent Intergovernmental Authority on Drought and Development talks in Nairobi and Addis Ababa.

Efforts were increasingly made by the USA to undermine Sudan's position at international and financial institutions, including attempts to suspend Sudan's membership in such vital institutions as the International Monetary Fund, coupled with termination of all loans and grants from funding agencies and donors.

By the year 1993, the USA's campaign against the Sudan had developed into an open stand-off by the USA's inclusion of Sudan in the list of countries accused of harbouring terrorism. This step was followed by the imposition of a trade and economic embargo against Sudan.

Taking a further unprecedented step, the USA then decided to openly wage war against the Sudan through instigating its African neighbours who had received generous material support to undertake hostile actions against Sudan. In this respect, I should refer to the call voiced by former USA National Security Adviser, Mr. Anthony Lake, for the need to contain Sudan through arming some of its neighbours. Mr. Lake's call turned out to be official USA policy when the American Administration announced the allocation of US$ 20 million in support of Sudan's neighbours.

Based on the same USA Administration policy, the rebel movement in southern Sudan continued to receive vital military and logistical support provided by the USA, in an explicit attempt to destabilize the current Government.

Following the above narration of the developments of Sudan-USA relations, I would like to assure you that the Sudan Government has never been involved in terrorist activities. Far from nurturing or harbouring terrorism, the Sudan has actually been victimized by terrorist acts including hijacking of Sudanese aeroplanes as well as facing serious bombing incidents in areas of metropolitan Khartoum and the danger posed by the landmines in its southern and eastern territories.

Notwithstanding Sudan's genuine efforts to come to terms with the USA, all endeavours have proved futile. In this regard, the Sudan Government has produced an official statement which condemned the recent terrorist attacks on the USA embassies in Nairobi and Dar-es-Salaam. Heedless of Sudan's eminent goodwill, the USA Administration has delivered two non-paper memorandums to Sudan expressing its explicit intent to destroy the Sudanese economy.

As a signatory to all relevant regional and international conventions, Sudan is a peace-loving country, seeking support by the international community against the USA's serious breach of international law and conventions.

Based on the above, we feel that the Sudan has been unjustifiably subjected to injustice and aggression. I have therefore availed myself of this opportunity to brief you on recent developments and their background.

We are confident that this matter will receive your highest consideration, as the USA's attitude negatively affects our relations with the IMF.

(Signed): Dr. Abdul Wahab OSMAN
Minister of Finance and Economy

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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 14 October 1998 from the Permanent Mission of the State of Bahrain to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations (Office of the High Commissioner for Human Rights)

The Permanent Mission of the State of Bahrain to the United Nations Office at Geneva presents its compliments to the Secretary-General of the United Nations (Office of the High Commissioner for Human Rights) and has the honour to refer to documents E/CN.4/1998/NGO/6 dated 9 February 1998 and E/CN.4/1998/NGO/54 dated 16 March 1998, containing written statements sent to him under item 10 of the agenda of the Commission on Human Rights at its fifty-fourth session from two non-governmental organizations, the International Federation of Human Rights Leagues (FIDH) and Human Rights Watch, alleging violations of human rights in the State of Bahrain.

The Mission is pleased to enclose herewith the reply of the concerned authorities in the State of Bahrain in this connection, and requests that the Office of the High Commissioner for Human Rights circulate the said reply to all States Members of the United Nations as an official document under item 9 of the agenda of the Commission on Human Rights at its fifty-fifth session which will be held in Geneva from 15 March to 23 April 1999.

Annex

The Permanent Mission of the State of Bahrain to the United Nations Office at Geneva presents its compliment to the Secretary-General of the United Nations and has the honour to refer to documents E/CN.4/1998/NGO/6 and E/CN.4/1998/NGO/54 containing written statements from two non-governmental organizations, the International Federation of Human Rights Leagues (FIDH) and Human Rights Watch, alleging violations of human rights in the State of Bahrain.

The Permanent Mission wishes at the outset to reaffirm the absolute commitment of the Government of the State of Bahrain to the promotion and protection of the human rights and fundamental freedoms of all its citizens, without distinction as to race, sex, religion or language. In this regard, the Permanent Mission restates the Government's policy of unqualified cooperation with United Nations human rights machinery, and refers to Bahrain's continuing dialogue with the Office of the High Commissioner for Human Rights, its working groups and thematic rapporteurs. The Government of Bahrain also fully respects and supports the motives and principles on which the international human rights movement - including organizations such a FIDH and Human Rights Watch - is founded.

However, the Permanent Mission also wishes to reiterate its concern at the dangers of abuse of the international human rights movement for blatantly political ends.

It is a regrettable fact that Bahrain has, in recent years, faced a well-planned and violent destabilization campaign, orchestrated, supported and directed from abroad, with the ultimate aim of overthrowing the country's Government. The campaign of violence against the community has been clearly and absolutely rejected by the Bahraini people, and has now collapsed. However, there remain a number of increasingly isolated and desperate individuals and groups outside Bahrain, intimately connected with that campaign, who have been unable to accept its failure.

These individuals and groups have absolutely no genuine interest in human rights, but instead continue deliberately to manipulate human rights mechanisms for their own, discredited, political ends. Their methods are crude and instantly recognizable: the production of allegations and insinuations having little if any foundation in reality and unsupported by any credible evidence whatsoever. The United Nations human rights machinery, and respected international human rights bodies, are cynically targeted and fed a steady stream of such allegations.

The two statements under response are recognizably the product of such sources. All the issues raised have been fully and clearly dealt with by the Government and Permanent Mission in previous correspondence with the Commission, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Office of the High Commissioner for Human Rights. The Permanent Mission therefore finds it regrettable that FIDH and Human Rights Watch have chosen to repeat such groundless and blatantly political allegations.

The rights and fundamental freedoms of Bahraini citizens are fully protected by the country's law and legal system. Comprehensive domestic remedies are available to any person who feels aggrieved by any alleged improper act of the Government or any of its officials, including recourse to appropriate legal action. Further, assault, torture, abuse of office and the improper deprivation of a person's liberty are all criminal offences under Bahraini law.

Closer investigation of allegations from the above sources invariably reveals that no complaint, or attempt to complain, has been made by or on behalf of any of the alleged victims. Given the ready availability of domestic remedies, this omission is particularly noteworthy, and serves further to undermine the credibility of such sources.

Despite Bahrain's limited size and resources, the Government is committed to guaranteeing citizens' basic rights to employment, health, education and housing, in the context of sound and sustainable development. To this end, the Government provides free education, free health care for all backed by a comprehensive system of welfare provision. It has also facilitated development of systems of low-cost finance to assist citizens with affordable, subsidized housing. The fruits of such policies are clearly demonstrated by the statistics, and have been consistently recognized internationally: the United Nations Development Programme Human Development Report, 1998 ranks Bahrain first in the Arab world for its achievements in the human development field for the fourth consecutive year.

Citizens enjoy direct personal access to the Amir and government officials, and there is widespread public discussion on important issues. Formal and informal systems of popular participation in government have evolved over the years in line with Bahrain's culture and beliefs, and the wishes of its people. The latest manifestation of such evolutionary development is the Shura (Consultative) Council. The Council is composed of 40 members representing a broad cross-section of the Bahraini community and includes academics, lawyers, businessmen and workers' representatives. The Council has considerable powers to initiate and review legislation, and has actively taken a lead on many contentious social and economic issues. Further such developments will occur only as a result of the will of the people of Bahrain - they cannot and will not be imposed by violence or force.

The State of Bahrain fully recognizes that all human rights are universal, and has always urged the international commuity to treat human rights as a global concern, with due respect paid to cultural and religious particularities. To this end, Bahrain is a party to a number of international conventions in the field of human rights. Most recently, Bahrain acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The State of Bahrain places the utmost importance on its obligations in respect of all conventions to which it is a party, and is giving ongoing serious consideration to becoming party to other international treties in the field of human rights.

Bahrain is also keen to develop further its close cooperative relationships with non-governmental organizations, and welcomes constructive dialogue with bona fide international human rights organizations. Further,

the Government's active commitment to human righs issues has been demonstrated by the 28 October 1996 memorandum of understanding with the International Committee of the Red Cross (ICRC), pursuant to which the ICRC conducts regular independent inspection visits to prisoners in Bahrain with the full and unqualified cooperation of the Government.

The Government of the State of Bahrain fully recognizes its responsibility to uphold fundamental rights and freedoms in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, and will not accept any attempt to violate or compromise such rights and freedoms.

The Permanent Mission respectfully requests that the Commission on Human Rights take the above fully into account when dealing with allegations of human rights abuses in Bahrain.